

M/049/021

**From:** Wayne Hedberg  
**To:** Minerals  
**Date:** 10/7/03 4:16PM  
**Subject:** Cherry Hill Park Mine - Emery Industrial Resources (M/049/021) - Unauthorized Mine Activity

On October 7, 2003, Paul Baker decided to check on the activity status of the Cherry Hill Quarry on his way to perform inspections in Moab. He observed active screening operations and stopped to investigate. Following his inspection, he called and left voicemail messages for me and Lynn Kunzler of his findings.

Paul spoke with two men working for Nielson Construction about the ongoing sorting and screening activity. He was told that Steve (and Dan?) Powell had contracted with the company to screen certain stockpiled materials. He said that 3 truckloads of screened material had been removed from the site last week for "testing" purposes. No material was being transported offsite during Paul's inspection. He said he believed it was Mr. Powell's intention to sell the fines and have him scatter the residual material as a form of site reclamation. Paul wasn't sure if he should order the activities to cease, so he obtained the supervisor's name and phone number and called the Division upon leaving the site seeking administrative guidance.

After I retrieved Paul's phone message I conferred with Mary Ann Wright and Steve Alder. Emery Industrial Resources/Dan Powell have an outstanding Board Order that was issued May 28, 2003. The Order effectively withdraws the SMO permit and denies the LMO application for failure to post adequate reclamation surety. Reclamation was ordered to be performed by the operator, if the required reclamation surety wasn't filed within 60 days of issuance of the Board's Order. Neither have occurred to date.

We decided that Neilson Construction should be contacted and advised of the situation regarding this site. I subsequently called Kevin Peacock and recommended that they cease mining/screening activities at the site due to the fact that neither Neilson Construction, EIR or the Powell's have authorization or approved permits from this office to mine, process, or remove materials from this mine site. Mr. Peacock indicated that he was of the understanding that the mine operator had all his permits in order before he began their screening activities at the site. He agreed to terminate their current mining related activities at this site. Mr. Peacock also expressed some concern about the noxious weed (bull thistle) problem at the site and the possibility of transporting it offsite with the screened materials. I told him we were aware of the weed issue and had directed the mine operator to take care of this problem several years ago.

A copy of this email will be copied to the mine file.

**CC:** Lowell Braxton; Mary Ann Wright; Steve Alder